

# **EXHIBIT “1”**

AVS0351

CV 2006 000127.00

JUDGE: ROBERT W BARR

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF COFFEE COUNTY

STINNETT GROUP, LLC VS AUTO OWNERS INSURANCE CO., ET AL  
FILED: 05/23/2006 TYPE: DECLARATORY JUDGMENT TYPE TRIAL: NON-JURY TRACK:\*\*\*\*\*  
DATE1: CA: CA DATE:  
DATE2: AMT: \$1.00 PAYMENT:  
DATE3:  
\*\*\*\*\*  
PLAINTIFF 001: STINNETT GROUP, LLCATTORNEY: SAWYER JOSEPH E JR  
SAW004 203 SOUTH EDWARDSAL 00000-0000  
PHONE: (334)000-0000  
ENTERED: 05/23/2006 ISSUED:  
SERVED: ANSWERED:ENTERPRISE, AL 36330  
(205)347-6447  
TYPE: JUDGEMENT:DEFENDANT 001: AUTO OWNERS INSURANCE CO.  
5915 CARMICHAEL RD.

ATTORNEY:

*Drew Klasing  
Reg. Agent*MONTGOMERY, AL 36117-0000  
PHONE: (334)000-0000ENTERED: 05/23/2006 ISSUED: 05/16/2006 TYPE: CERTIFIED  
SERVED: 6/26/06 ANSWERED: JUDGEMENT:*6/6/06 STC Dwy up'd. unserved to Sawyer  
6/20/06 STC re-issued*CERTIFIED TO BE A TRUE COPY  
ATTEST

REGISTER CLERK

CIRCUIT COURT, COFFEE COUNTY, AL

RECEIVED  
SHERIFFS DEPT  
MONTGOMERY CO ALA

2006 JUN 21 A 8:32

D T MARSHALL  
SHERIFF

SUMMONS

Case Number CV 2006-127

IN THE CIRCUIT COURT OF COFFEE COUNTY  
ENTERPRISE DIVISION

STINNETT vs. AUTO OWNERS INSURANCE CO., et al.

Serve on: Drew Klasing Plaintiff's Attorney: J. E. SAWYER, JR.  
Reg. Agent for Auto Owners Ins. Co. 203 South Edwards Street  
5915 Carmichael Road Enterprise, AL 36330  
Montgomery, AL 36117-2518

To the above named respondent:

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights, you or your attorney are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the complaint to the Petitioner's attorney(s) shown above or attached:

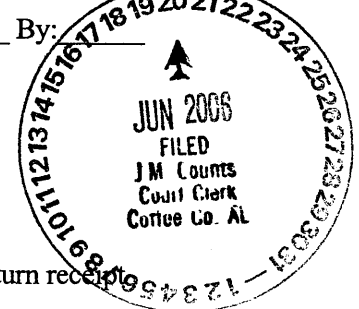
This answer must be mailed or delivered within **30** days after this summons and complaint were delivered to you or a judgment by default may be entered against you for the money or other things demanded in the complaint. **YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.**

( X ) TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure: You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon defendant.

( ) Service by certified mail of this summons is initiated upon the written request of \_\_\_\_\_ pursuant to the Alabama Rules of Civil Procedure.

Date 6/26/06

[Signature]  
Clerk/Register  
P.O. Box 311284  
Enterprise, AL 36331  
(334) 347-6447



Return on Service:

( ) Certified mail return receipt in this office on (date) \_\_\_\_\_ (Return receipt hereto attached).

☒ I certify that I personally delivered a copy of the summons and Complaint to Drew Klasing in Montgomery county, Alabama, on 6-26-06 to Lynn Dawkins  
(date) 6-26-06

Date 6-26-06

[Signature]  
Server's Signature

Server's Address \_\_\_\_\_

Type of Process Server D.S.

ATTEST [Signature]  
REGISTER CLERK  
CIRCUIT COURT, COFFEE COUNTY, AL.

Mr. James M. Counts  
Clerk of Court  
P.O. Box 311284  
Enterprise, AL 36331

CERTIFIED MAIL

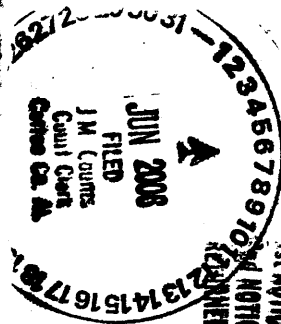


7001 1940 0007 4211 1600

(5)

RETURN RECEIPT  
REQUESTED

1st NOTICE 5.20  
2nd NOTICE  
3rd NOTICE





SUMMONS

Case Number CV 2006-127

IN THE CIRCUIT COURT OF COFFEE COUNTY  
ENTERPRISE DIVISION

STINNETT vs. AUTO OWNERS INSURANCE CO., et al.

Serve on: Drew Klasing Plaintiff's Attorney: J. E. SAWYER, JR.  
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Date 6/20/06 By: \_\_\_\_\_  
Clerk/Register  
P.O. Box 311284  
Enterprise, AL 36331  
(334) 347-6447

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( ) Certified mail return receipt in this office on (date) \_\_\_\_\_ (Return receipt hereto attached).

( ) I certify that I personally delivered a copy of the summons and Complaint to \_\_\_\_\_ in \_\_\_\_\_ county, Alabama, on (date) \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Server's Signature

\_\_\_\_\_  
Server's Address

\_\_\_\_\_  
Type of Process Server

ATTEST  
REGISTER-CLERK  
CIRCUIT COURT, COFFEE COUNTY, AL

ATTEST \_\_\_\_\_  
REGISTER-CLERK  
CIRCUIT COURT, COFFEE COUNTY, AL

IN THE CIRCUIT COURT OF COFFEE COUNTY, ALABAMA  
ENTERPRISE DIVISION

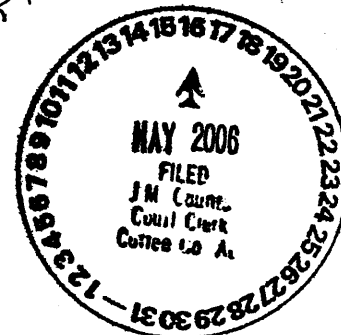
STINNETT GROUP, LLC,

Plaintiff,

VS.

AUTO OWNERS INSURANCE, and X, Y,  
and Z, either business entities or individuals  
whose names are otherwise unknown but will  
be substituted by amendment when ascertained,  
Defendants.

CASE NO: CV 2006- 127



COMPLAINT FOR DECLARATORY JUDGMENT

This action is brought and the Court's jurisdiction is invoked pursuant to the provisions of the Code of Alabama, 1975, Section 6-6-220 et seq.

1. Plaintiff, STINNETT GROUP LLC is an Alabama limited liability company, whose principal office is 301 East Grubbs Street, Enterprise, Alabama 36330.
2. Defendant, AUTO OWNERS INSURANCE, is an insurance entity doing business in the State of Alabama.
3. Defendants X, Y, AND Z, are believed to be residents of State of Alabama and other states of the United States, whose names are otherwise unknown at the present but will be substituted by amendment when ascertained.
4. There exists an actual controversy between Plaintiff and Defendants.
5. That Plaintiff brings this Bill for Declaratory Judgment against all of the Defendants stating that Plaintiff was denied coverage by Defendants. See "Exhibit A".
6. That Plaintiff brings this Bill for Declaratory Judgment against all of the Defendants stating that Defendants are responsible for providing a defense for Plaintiff in the event Plaintiff is sued. Defendants are responsible for providing Plaintiff said defense pursuant to Plaintiff's policy of insurance

VERIFIED TO BE A TRUE COPY  
ATTEST  
REGISTER-CLERK  
CIRCUIT COURT COFFEE COUNTY, AL




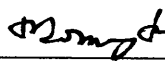
coverage issued by Defendants. More particularly, Defendants are responsible for providing a defense for Plaintiff in lawsuit against Plaintiff pending in the Circuit Court of Lee County, Alabama.

WHEREFORE, Plaintiff prays that the Court upon a final hearing will render a declaratory judgment adjudging the rights of the parties. Plaintiff further prays for such other and further relief as this Court may be just and proper, attorney's fees plus the costs of this action.

Dated this 24<sup>th</sup> day of March, 2006.

By:

  
STINNETT GROUP, LLC.  
MANAGING MEMBER: Dale Stinnett

  
J. E. Sawyer, Jr.  
Attorney for Plaintiff  
203 S. Edwards Street  
Enterprise, Alabama 36330  
(334) 347-6447

STATE OF ALABAMA

\*

\*


COUNTY OF COFFEE

\*

Before me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared, Dale Stinnett, as Managing Member of Stinnett Group, L.L.C. who being by me first duly sworn, depose and say that he has read the allegations contained in the foregoing complaint and that same are true and correct to the best of his knowledge on this \_\_\_\_ day of March, 2006.

  
DALE STINNETT, acting manager for:  
STINNETT GROUP, LLC.

SWORN TO AND SUBSCRIBED BEFORE ME on this the 24<sup>th</sup> day of MARCH 2006.

  
NOTARY PUBLIC  
My Commission Expires: 3/8/09

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ATTEST  
REGISTERED CLERK  
CIRCUIT COURT, COFFEE COUNTY, AL



AUTO-OWNERS INSURANCE COMPANY  
AUTO-OWNERS LIFE INSURANCE COMPANY  
HOME-OWNERS INSURANCE COMPANY  
OWNERS INSURANCE COMPANY  
PROPERTY-OWNERS INSURANCE COMPANY  
SOUTHERN-OWNERS INSURANCE COMPANY



P.O. Box 244017 (CLAIMS)  
Montgomery, Alabama 36124  
PHONE (334) 279-0323  
FAX (334) 271-0481

August 3, 2005

Mr. Dale Stinnett  
Stinnett Group, LLC  
301 East Grubbs St.  
Enterprise, AL 36330

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RE: Claim Number: 37-3240-05  
Insured: Stinnett Group, LLC.  
Claimant: Huff & Associates  
Lawsuit No: CV-04-797 Circuit Court of Lee County, Alabama  
Subject: Request for Defense and Indemnity

Dear Mr. Stinnett:

Auto-Owners has received and reviewed the above referenced lawsuit filed against you in the Circuit Court of Lee County, Alabama. The purpose of this letter is to advise you that Auto-Owners must, respectfully, deny coverage for defense and indemnity for the following reasons:

This lawsuit alleges under both counts that Stinnett Group breached the contract by failing to complete the work in accordance with the schedule of work and unworkmanlike performance in connection with your work.

Your policy contains endorsement CG0001 (11-88) Commercial General Liability Coverage Form which contains the following:

#### **SECTION I - COVERAGES**

#### **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**

##### **1. Insuring Agreement.**

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TEST  
REGISTERED CLERK  
CIRCUIT COURT OF LEE COUNTY, AL

**Page 2**

b. This insurance applies to "bodily injury" and "property damage" only if:

(1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory;" and

(2) The "bodily injury" or "property damage" occurs during the policy period.

**SECTION V - DEFINITIONS**

3. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.

12. "Property damage" means:

a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or

b. Loss of use of tangible property that is not physically injured. All such loss shall be deemed to occur at the time of the "occurrence" that caused it.

9. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

**COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY**

**1. Insuring Agreement.**

b. This insurance applies to:

(1) "Personal injury" caused by an offense arising out of your business, excluding advertising, publishing, broadcasting or telecasting done by or for you;

(2) "Advertising injury" caused by an offense committed in the course of advertising your goods, products or services;

but only if the offense was committed in the "coverage territory" during the policy period.

**SECTION V - DEFINITIONS**

1. "Advertising injury" means injury arising out of one or more of the following offenses:

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REGISTERED  
CIRCUIT COURT, COFFEE COUNTY, ALA.

**Page 3**

- a. Oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;
  - b. Oral or written publication of material that violates a person's right of privacy;
  - c. Misappropriation of advertising ideas or style of doing business; or
  - d. Infringement of copyright, title or slogan.
10. "Personal injury" means injury, other than "bodily injury," arising out of one or more of the following offenses:
- a. False arrest, detention or imprisonment;
  - b. Malicious prosecution;
  - c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies by or on behalf of its owner, landlord or lessor;
  - d. Oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services; or
  - e. Oral or written publication of material that violates a person's right of privacy.

As you can see from the above language in your policy there is no coverage as there is no claims in the complaint for Bodily Injury, Advertising Injury, Personal Injury or Property Damage as defined in the policy. The claims made against you do not constitute an occurrence as defined in the policy. Also, Breach of Contract is not an occurrence.

As to the claim for your failure to do the work in an workmanlike manor the following applies:

**2. Exclusions.**

This insurance does not apply to:

- j. "Property damage" to:

(6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

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CIRCUIT COURT, COFFEE COUNTY, AL

**Page 4**

k. "Property damage" to "your product" arising out of it or any part of it.

l. "Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard."

**SECTION V - DEFINITIONS**

**14. "Your product" means:**

a. Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:

(1) You;

(2) Others trading under your name; or

(3) A person or organization whose business or assets you have acquired; and

b. Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

"Your product" includes:

a. Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product;" and

b. The providing of or failure to provide warnings or instructions.

"Your product" does not include vending machines or other property rented to or located for the use of others but not sold.

**15. "Your work" means:**

a. Work or operations performed by you or on your behalf; and

b. Materials, parts or equipment furnished in connection with such work or operations.

"Your work" includes:

a. Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work;" and

b. The providing of or failure to provide warnings or instructions.

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Therefore, due to the foregoing reasons, there is no coverage for the claims made against Stinnett Group, LLC. and Auto-Owners has no duty to defend and/or indemnify its insured.

**YOU SHOULD CONSULT WITH YOUR OWN PERSONAL ATTORNEY TO PROTECT YOUR INTEREST IN THIS MATTER**

If you have or obtain any information which may be relevant or may change the facts or circumstances of the loss as stated above, please forward the information to my attention immediately. Any amended lawsuit should be made available to Auto-Owners for immediate review.

Please be advised that this letter does not waive any rights or defenses which Auto-Owners Insurance Company may have regarding this matter under any policy of insurance issued by Auto-Owners Insurance, whether or not such claims or defenses are set forth herein. Auto-Owners Insurance reserves the right to supplement this letter upon receipt of further information which may subsequently become available.

Thank you for your time and consideration in this matter. If you need any further assistance, please give me a call at 1-800-548-9881 ext. 204.

Sincerely,



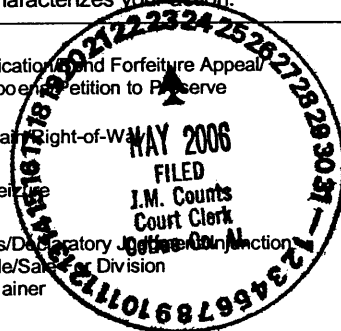
Bill Reaves  
Field Claim Representative

BR/bw

cc: Insured by regular mail

TO BE ATTACHED COPY  
RECEIVED-CLERK  
JUL 18 2006  
COUNTY OF COVINGTON, LA

State of Alabama Unified Judicial System  Form ARCiv-93 Rev.5/99	<b>COVER SHEET</b> <b>CIRCUIT COURT – CIVIL CASE</b> (Not For Domestic Relations Cases)	Case Number <div style="border: 1px solid black; padding: 2px;">           C V 2 0 0 6 1 2 7 -          </div> Date of Filing: <div style="border: 1px solid black; padding: 2px;">           Month Day Year         </div> Judge Code: <div style="border: 1px solid black; padding: 2px;">           -          </div>		
GENERAL INFORMATION				
IN THE CIRCUIT COURT OF <u>COFFEE COUNTY</u> , ALABAMA <div style="display: flex; justify-content: space-between;"> <span>STINNETT GROUP, LLC</span> <span>(Name of County) v. AUTO OWNERS INSURANCE, ET AL.</span> </div>				
<table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"> <b>First Plaintiff</b>  <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Business  <input type="checkbox"/> Government           </div> <div> <input type="checkbox"/> Individual  <input type="checkbox"/> Other           </div> </div> </td> <td style="width:50%; border: none;"> <b>First Defendant</b>  <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Business  <input type="checkbox"/> Government           </div> <div> <input type="checkbox"/> Individual  <input type="checkbox"/> Other           </div> </div> </td> </tr> </table>			<b>First Plaintiff</b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Business  <input type="checkbox"/> Government           </div> <div> <input type="checkbox"/> Individual  <input type="checkbox"/> Other           </div> </div>	<b>First Defendant</b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Business  <input type="checkbox"/> Government           </div> <div> <input type="checkbox"/> Individual  <input type="checkbox"/> Other           </div> </div>
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<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) the best characterizes your action:				
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____  <b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property  <b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services	<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification and Forfeiture Appeal <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Deliberatory Judgment Action <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input checked="" type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case			
<b>ORIGIN (check one):</b> F <input checked="" type="checkbox"/> INITIAL FILING      A <input type="checkbox"/> APPEAL FROM DISTRICT COURT      O <input type="checkbox"/> OTHER: R <input type="checkbox"/> REMANDED     T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT				
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO      Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)				
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED				
<b>ATTORNEY CODE:</b> <div style="border: 1px solid black; padding: 2px; display: flex; gap: 5px;"> <span>S</span><span>A</span><span>W</span><span>0</span><span>0</span><span>4</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Date</span> <span>Signature of Attorney/Party filing this form</span> </div>				
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED				



NOT A TRUE COPY  
 REGISTERED CLERK  
 JAMES W. COFFEY, CLERK



State of Alabama Unified Judicial System  Form ARCiv-93 Rev.5/99	<b>COVER SHEET</b> <b>CIRCUIT COURT – CIVIL CASE</b> (Not For Domestic Relations Cases)	Case Number <div style="border: 1px solid black; padding: 2px;">           C V 2 0 0 6 1 2 7 -          </div> Date of Filing: <div style="border: 1px solid black; padding: 2px;">           Month Day Year         </div> Judge Code: <div style="border: 1px solid black; padding: 2px;">           Month Day Year         </div>		
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<b>ORIGIN (check one):</b> F <input checked="" type="checkbox"/> INITIAL FILING     A <input type="checkbox"/> APPEAL FROM     O <input type="checkbox"/> OTHER: <div style="text-align: center;">DISTRICT COURT</div> <div style="text-align: center;">T <input type="checkbox"/> TRANSFERRED FROM</div> <div style="text-align: center;">OTHER CIRCUIT COURT</div>				
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO     Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)				
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED				
<b>ATTORNEY CODE:</b> <div style="border: 1px solid black; padding: 2px;">S A W 0 0 4</div> <u>24 May 2006</u> <u>[Signature]</u> <div style="display: flex; justify-content: space-between;"> <span>Date</span> <span>Signature of Attorney/Party filing this form</span> </div>				
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDECIDED				

FILED  
 REGISTER-CLERK  
 CIRCUIT COURT, COFFEE COUNTY, AL